

## **DEVELOPMENT CONDITIONS**

**SE 2013-HM-016**

**February 18, 2015**

If it is the intent of the Board of Supervisors to approve SE 2013-HM-016 located at 12100, 12110, and 12120 Sunset Hills Road [2014 Tax Map 17-3 ((1)) 28A, 28B, & 28C] to permit retail and restaurant uses in an I-5 district and the waiver of certain sign regulations pursuant to Sects. 9-524 and 9-620 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

### General Conditions

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application; as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan or signage submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Special Exception Plat For Reston Executive Center" (SE Plat), consisting of 17 sheets prepared by Urban, Ltd. dated April 22, 2013 as revised through February 17, 2015, the sign plan entitled "RTC West Comprehensive Sign Plan" consisting of 45 pages prepared by Streetsense dated April 25, 2014, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The total amount of gross floor area dedicated to non-office commercial uses on the application property shall not exceed 40,100 square feet as indicated in the table on Sheet 2 of the SE Plat.
5. The final architectural design of the additions and new building shall be consistent with the general type, quality, and proportion of materials depicted in the illustrative perspectives, elevations, and renderings contained in the SE Plat.
6. With the exception of the Phase 1 improvements described more fully in Development Condition 9 and upon demonstration by the applicant that, despite diligent efforts or due to factors beyond the applicant's control,

the applicant will be or has been delayed in the completion of one or more of the obligations or improvements required by these conditions beyond the timeframes set forth in these conditions, the Zoning Administrator may agree to a later date for the fulfillment/ completion of such obligations or improvements, provided the applicant otherwise is in substantial conformance with these conditions.

7. The applicant shall abide by all provisions of the Fairfax County Noise Ordinance with respect to construction activities at that site which include, in part, that construction and demolition equipment may not be used outside between 9 p.m. and 7 a.m. Monday through Saturday, and they may not be used before 9 a.m. on Sundays and federal holidays.

#### Transportation Conditions

8. For purposes of Development Conditions 9 through 17, the term "complete" is defined as constructed and available for public use but not necessarily accepted by VDOT for maintenance.
9. The applicant shall execute an agreement with the owner of 2014 Tax Map Parcel 17-3-((01))-29B, with a street address of 12050 Sunset Hills Road, to allow the applicant to enter that site and relocate that property entrance to align with the proposed entrance to the application property from Town Center Parkway. The applicant shall be solely responsible for securing this agreement and completing all improvements on Parcel 29B necessary to realign the entrance with the proposed entrance to the application property as part of the Phase 1 improvements. This agreement shall be executed prior to approval of the site plan which includes the new entrance to the application property. A copy of the final executed agreement shall be provided to FCDOT.
10. The Applicant anticipates constructing the new building additions and Building A in phases together with certain on and off-site road improvements/enhancements as outlined below:
  - a. Phase 1 includes the construction of the proposed entrance to the application property on Town Center Parkway, the removal and scarification of the southbound slip ramp from the application property to Town Center Parkway, the relocation of the entrance to 12050 Sunset Hills Road, removal and scarification of the now existing entrance to 12050 Sunset Hills Road and construction of the northbound left-turn lane on Town Center Parkway at the proposed new entrance to the application property, all as generally depicted on the SE Plat. In addition, a southbound right-turn lane on Town Center Parkway shall be provided at the proposed new site entrance if required by VDOT in conjunction with the Phase 1 improvements.

- b. Phase 1A includes modifications to the eastbound left-turn lane on Sunset Hills Road at Town Center Parkway, the westbound U-turn lane on Sunset Hills Road at the existing entrance to the application property and the extension of the eastbound median on Sunset Hills Road at the existing entrance to the application property, all as reflected on the SE Plat.
  - c. Phase 2 includes the addition of a second southbound left-turn lane on Town Center Parkway at Sunset Hills Road, the installation of the permanent raised median on the subject property at the Town Center Parkway entrance, the installation of a pedestrian crosswalk across Sunset Hills Road at Town Center Parkway and signal modifications to accommodate the provision of southbound dual left-turn lanes at this location, all as generally reflected on the SE Plat.
  - d. All of the road improvements/enhancements listed above shall be designed to meet current VDOT design standards as set forth in the Road Design Manual. Notwithstanding what is depicted on the SE Plat, any changes to lane use designations, pavement markings (such as marked crosswalks, etc.) and signage required by VDOT shall be permitted in consultation with FCDOT and without the need for a special exception amendment application.
  - e. The Phase 1 improvements shall be completed prior to the issuance of the first Non-RUP for proposed Building A, or the additions to Reston Executive Center Buildings 2 or 3, whichever first occurs. The Phase 1A improvements shall be completed prior to the issuance of the first Non-RUP for Building A. The Phase 2 improvements shall be completed prior to the issuance of the first Non-RUP for Reston Executive Center Building 1.
  - f. The Applicant may advance the completion of any of the improvements outlined above without the need for a special exception amendment application.
11. In addition to the improvements described in Condition 9.a, and prior to the issuance of the first Non-RUP for the additions to Reston Executive Center Building 1, the applicant shall extend the new Town Center Parkway entrance on the application property west to the westernmost edge of Parking Structure 1, complete certain modifications to the same structure, close the entrance to Parking Structure 1 located in the southwest quadrant of the garage, install the permanent median on the subject property at the Town Center Parkway entrance and construct a new entrance/exit to the garage in the northeast quadrant and along the southernmost edge all as reflected on the SE Plat.

12. The applicant shall maintain access from Sunset Hills Road during all phases of construction on the site. In order to maintain such access, interim modifications to the existing entrance, as well as Sunset Hills Road, may be required by VDOT in consultation with FCDOT and in conjunction with the submission of maintenance of traffic plans. Such interim modifications may include but are not limited to temporary adjustments to the existing entrance and curb radii and modifications to existing medians on Sunset Hills Road, etc. and may be implemented without the need for an amendment to this special exception.
13. Following completion of the improvements associated with the new entrance to Town Center Parkway and no earlier than three (3) months after the issuance of a NonRUP for the first building or building addition to the site, the applicant shall complete and submit a signal warrant analysis. The signal warrant analysis shall also include an assessment of the VDOT access management signal spacing requirements for VDOT evaluation with the warrant analysis. If VDOT determines that a signal is not warranted at this entrance, the applicant shall submit additional warrant analyses no earlier than three (3) months following the issuance of a NonRUP for both the second and final building or building additions on the site. If VDOT determines that a signal is warranted with any of the three analyses submitted, then the applicant shall diligently pursue the design, equipment, and installation of a signal, including pedestrian signalization and crosswalks as determined necessary by VDOT. Prior to signal installation, the applicant shall dedicate or acquire for dedication all necessary right-of-way and/or easements to facilitate the installation of signal equipment. If VDOT determines that a signal is not warranted after the third analysis, then this condition shall be deemed to be completed and of no further force and effect.
14. With submittal of the first site plan associated with the application property, the applicant shall reserve for future dedication in fee simple right-of-way along the western property line 19 feet in width within the subject property. The applicant shall dedicate the reserved area no later than 90 days after receipt of a written request from the County indicating that an agreement to secure right-of-way from the adjoining property owner that provides the ability to construct a public street in this alignment is completed. The applicant shall be allowed to utilize the reserved area for outdoor dining/seating, expanded sidewalks, and/or landscaping. Upon notice to dedicate, the applicant shall remove, at their own expense, all improvements within the right-of-way identified by the County that will conflict with the construction and operation of the street.
15. Prior to site plan approval for the first building or building addition authorized by this Special Exception, the applicant shall record two

interparcel access easements on the western property line. One easement shall be located at the northwest corner of the site as shown the SE Plat. The other shall be permitted to "float" within the 19 foot wide reservation area shown on the SE Plat. A note shall be added to all site plans that identifies and defines the bounds for the location of the easements.

16. The applicant shall work with the Northern Virginia Regional Park Authority (NVRPA) and Dominion Virginia Power to establish an easement for a pedestrian connection between the site and the W&OD trail. If an easement agreement is secured, the applicant shall construct a pedestrian trail connection to standards specified by NVRPA.
17. Pedestrian access should be provided on the west side of the property to connect pedestrians from the W&OD trail into the site, and additional pedestrian connections to the surrounding street and sidewalk network from Building One should be provided as generally depicted in the graphic provided in Attachment #2 to these conditions.

#### Signage Conditions

18. Except as specifically modified as part of this Special Exception application to allow increases in sign area, all signs shall conform to Article 12 of the Zoning Ordinance. The number, size and total sign area for each sign type shall be consistent with the table of signage on pages 44-45 of the signage package referenced in Condition #3 and attached to these conditions as Attachment 1, except that no more than two freestanding signs shall be permitted, regardless of what is depicted on the SE Plat and signage table. Signs not requiring permits, allowed by Section 12-103 in the Ordinance, may be permitted, as qualified by these development conditions.
19. A matrix for signage shall be provided to the Zoning Administrator prior to the issuance of the first sign permit and all subsequent sign permits, which includes the sign type, sign height, sign area, and/or any other pertinent information deemed necessary by the Zoning Administrator in order to allow efficient tracking of all freestanding signage to be provided on site. Each sign permit shall be accompanied by a letter from the property owner, manager and/or agent of the property stating that the requested sign has been reviewed for compliance with this approval.
20. All freestanding signs shall be located outside of required sight lines and/or sight triangles, and shall not restrict visibility for drivers entering or exiting travel intersections, aisles or driveways, as determined at the time of sign permitting. Minor modifications to the locations of proposed

signs may be permitted to achieve adequate sight distance without necessitating a special exception amendment, provided such changes are in substantial conformance with the locations depicted on the SE Plat. (Signs may be relocated to the opposite side of the roadway and/or set back further to achieve adequate sight distance.)

21. Minor modifications to sign design may be permitted without an SEA if such changes are consistent for all approved signage and are determined to be in substantial conformance with the character of the approved signs.
22. All sign lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

#### Landscape Conditions

23. All site plan submissions shall include streetscape details, including sidewalk dimensions and type of proposed plantings. The plan shall identify the areas of the site proposed for outdoor seating (including restaurant seating) and demonstrate that adequate pedestrian space is reserved between the limit of the outdoor seating and the curb. At least four feet of unobstructed pedestrian corridor space shall be provided adjacent to any area of outdoor seating.
24. Any interior parking lot landscaping that is dead, dying, or otherwise in poor condition shall be replaced as determined by Urban Forest Management. The applicant shall work with Urban Forest Management in determining the most appropriate size and species in order to ensure survivability. An Existing Vegetation Map (EVM) in accordance with the Public Facilities Manual (PFM) shall be included as part of all site plan submissions. All landscaping shall be maintained in good condition and include regular maintenance. This maintenance includes, but is not limited to, removal of dead/diseased plantings and their prompt replacement to maintain the required landscaping of this Special Exception, as determined by Urban Forest Management.
25. Streetscape Planting Spaces: All site plan submissions shall include a landscape plan as generally shown on the SE Plat, which shall be subject to review and approval by Urban Forest Management Division (UFMD). Tree planting spaces proposed in the streetscape and other areas restricted by barriers to root growth shall provide a planter open surface area at least 4.0 feet wide. Rooting zone width beneath the paver surfaces a minimum of eight feet shall be provided using structural cell technology or other solutions acceptable to UFMD that provide uncompacted soil within the planting space, with planting sites meeting the following specifications:

- A minimum of 4 feet open surface width and 16 square feet open surface area.
- Rooting area beneath paver surfaces a minimum of 8 feet wide. Planting space depth shall be 3-4 feet. Paved surfaces over the specified planting area shall not be dependent upon compacted soil for structural support.
- Soil volume for Category III or IV trees (as indicated in Table 12.17 of the Public Facilities Manual) shall be a minimum of 700 cubic feet per tree for single trees. For two trees planted in a contiguous planting area, a total soil volume of at least 1200 cubic feet shall be provided. For three trees or more planted in a contiguous area, the soil volume shall equal at least 500 cubic feet per tree. A contiguous area shall be defined as any area with a soil depth of 3-4 feet, within which lateral root growth is not restricted.
- Soil in planting sites shall be specified in planting notes to be included in site plans to be reviewed and approved by Urban Forest Management.

#### Stormwater Management Conditions

26. As part of site plan approval for each building or addition authorized by this Special Exception that proposes a non-office commercial use, the applicant shall demonstrate that the site will meet applicable PFM requirements for stormwater quantity and stormwater quality in effect at the time of site plan approval for each building or addition. The site plan shall include strategies for addressing both water quantity and water quality management issues, including detailed mitigation measures to be implemented as part of construction. .

#### Green Building Techniques

27. The Applicant shall incorporate into the design and implement the green building technology and strategies listed below with the goal of improving the operations of the existing office buildings to reduce waste, conserve energy and monitor energy usage. The Applicant shall, at the time of site plan review and building plan review, provide a certification statement from a LEED-AP who is also a professional engineer or licensed architect confirming that the green building elements listed below shall be incorporated into the design and construction of the project. Green building elements for inclusion in the project:
  - a. The Applicant shall include a LEED®-accredited professional as a member of the design team. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative

technologies into the project. At the time of site plan submission, the Applicant will provide documentation to the Environment and Development Review Branch of DPZ (EDRB) demonstrating compliance with the commitment to engage such a professional.

- b. A bicycle system connecting the Property with the "W&OD" hiker biker trail will be enhanced and connected. Convenient public bicycle parking spaces will be installed at the new retail locations to encourage visits from the trail and stop overs from the immediate neighbors. The Applicant shall provide proof of installation and plan location.
- c. The Applicant shall construct a continuous sidewalk system through the Property allowing the previously unconnected path from the west of the site to the future Metro Station to be a complete and create an active pedestrian environment.
- d. The Applicant shall use non-invasive species for landscape and other plantings on the site. The Applicant shall provide planting lists showing species and location of plantings at the time of site plan review for the affected area.
- e. The Applicant shall provide a light pollution reduction strategy for interior and exterior lighting as listed below:
  - i. Retrofit the existing parking structures (including stairwells) to LED fixtures.
  - ii. Retrofit the existing outdoor site lighting to LED fixtures.
  - iii. Add LED fixtures to the three existing office building lobbies.
  - iv. Retrofit existing bollards to high efficiency lighting.
  - v. Add LED lighting to elevator cabs, stairwells, corridors and breezeways in the existing structures.
  - vi. Install occupancy sensors in the tenant spaces and common areas during new build outs for the proposed additions and the new proposed retail building.

The Applicant shall provide proof of installation and plan locations.

- f. The Applicant shall install the following plumbing, HVAC and other water-related fixtures as part of the upgrades to the existing structures and the construction of the proposed improvements:
  - i. Low flow urinals and low flow aerators in restrooms to save water.
  - ii. Variable frequency drives (VFD's) in cooling tower pumps and air handlers



- iii. Dual flush valves in restrooms
- iv. Reduced energy leakage within the cooling towers.

The Applicant shall provide proof of installation and manufacturers' product data.

- g. The Applicant shall pursue Energy Star designations for all three existing office buildings.
- h. The Applicant shall design the building additions and the new retail building with tight air barrier skin designs and high insulative values to meet the energy reduction requirements of LEED and provide long term quality weather protection that will greatly reduce maintenance and replacement of materials. Such design features shall include efficient steel frame design using recycled steel structure, local materials (manufactured and using materials from within 500 miles), recycled content material (using both post-consumer and post-industrial content) and low or no VOC paints and sealants.
- i. The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both customers and employees. There shall be a dedicated area on the Property for the storage of the recycled materials. The Applicant shall provide proof of installation, installation locations and a copy of the Applicant's recycling hauling contract.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.